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June 18, 2021

Via ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

MEMO ENDORSED

Re: Johnny Figueroa v. City of New York, et al.
Civil Action No.: 19-Civ.-11178 (KPF) (KHP)

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, attorney for the defendants City of New York and David Dmitri in the above-referenced action. I write to respectfully submit this joint application on behalf of all parties for a brief stay of discovery in aid of settlement negotiations in this matter.

Specifically, the parties request that the court refer this matter for a settlement conference with a Magistrate Judge at the earliest convenient date, while holding abeyance discovery deadlines in the matter. Currently discovery is due to expire on July 12, 2021, and a post-fact discovery conference is scheduled for July 22, 2021. Several depositions remain to be taken by defendant Caggia and there are certain follow-up document discovery issues between the parties to be resolved. The parties are cognizant of the Courts desire to conclude discovery in this matter as soon as possible. Nevertheless, the parties believe that a stay of discovery pending completing of such a conference is in the interests of efficiency and judicial economy, and will promote settlement by avoiding the imposition of additional costs and burdens that might be avoided by settlement. The parties propose that new discovery deadlines would be set at the end of the settlement conference if it concludes without settlement.

Defendants also note that the undersigned counsel was only recently assigned to this matter, and as the Court may know, last week the Law Department's computer systems, including email, were impaired beginning June 6, 2021, due to an unauthorized intrusion into the Law Department IT environment. Partial service was not restored to the undersigned until June

14, 2021 and full remote functionality remains unavailable. Therefore, if a stay is not agreeable to the Court, defendants would require an extension of time of three weeks from July 12, 2021 to August 2, 2021 for new counsel to prepare for depositions and respond substantively on discovery issues. The other parties also consent to this request, in the alternative to the joint application for a stay.

We appreciate the Court's attention to this matter.

Respectfully submitted,
Alan H. Scheiner /s/
Alan H. Scheiner
Senior Corporation Counsel

Via ECF (all counsel)

Application GRANTED. Discovery in this matter is hereby STAYED to allow the parties to engage in settlement discussions. The Court will concurrently issue an order referring this matter to Magistrate Judge Katharine H. Parker for a settlement conference.

Dated: June 22, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE